

717 Church Street and 85, 89, 93 & 97 Collier Street – Zoning By-law Amendment Application – Request for Further Directions Regarding Ontario Land Tribunal Hearing

Date: June 8, 2022

To: City Council

From: City Solicitor

Wards: Ward 11 – University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

C & P Development Limited Partnership (the "Applicant") is the owner of the property municipally known as 717 Church Street and 85, 89, 93, and 97 Collier Street (the "Subject Site"), located on the north side of Church Street, between Yonge Street and Bloor Street East, at the intersection of Church Street and Collier Street. The Subject Site is currently developed with a four-storey office building at 717 Church Street and two three-storey semi-detached house form buildings containing residential and non-residential at 85, 89, 93, and 97 Collier Street.

North of the Subject Site is a 15-storey residential building at 66 Collier Street as well as Harold Town Park and the Rosedale Ravine. West of the Subject Site is the Toronto Reference Library and a 10-storey mixed-use building at 20 Collier Street. South of the Subject Site is a 17-storey residential building at 40 Asquith Avenue and a 32-storey building at 8 Park Road. Finally, east of the Subject Site is the low-rise Collier Asquith residential neighbourhood consisting predominantly of 2 to 3-storey semi-detached dwellings.

On November 20, 2020, the Applicant submitted a Zoning By-law Amendment application to amend Zoning By-laws 438-86 and 569-2013 (the "Application") to permit the redevelopment of the Subject Site with a 30-storey (105.86 metres including mechanical penthouse) mixed-use building (the "Development"). The Development

includes 300 dwelling units and is proposed to have a total of 3 car share parking stalls, 1 Type-G loading space, and 320 bicycle parking spaces. The proposal also includes 129 square metres of privately owned publically-accessible space ("POPS"). The Development will include 76 square metres of outdoor amenity space located on the 30th floor and 600 square metres of indoor amenity space on the 2nd and 30th floors. Finally, the new building will have 19,626 square metres of residential gross floor area ("GFA") and 29 square metres of retail GFA, resulting in a floor space index ("FSI") of 20.81 times the area of the lot.

On May 27, 2021, the Applicant appealed the Application to the Local Planning Appeal Tribunal (the "LPAT"), now the Ontario Land Tribunal (the "OLT"), due to the City's failure to make a decision within the prescribed time period set out in the *Planning Act*. The appeal is known as OLT Case OLT-21-001034. In addition to the City and the Applicant, the Collier Asquith Neighbourhood Association ("CANA") is also a party to the appeal.

To date, the OLT has held one case management conference on January 4, 2022.

The appeal is currently scheduled to be heard by the OLT during a 10-day hearing on November 28 to December 9, 2022.

The purpose of this report is to request further instructions regarding the OLT appeal and upcoming hearing.

City Planning has been involved in the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to this report, if adopted by City Council.
3. City Council authorize public release of Confidential Attachments 2 and 3 to this report, if the confidential recommendations contained in Confidential Attachment 1 are adopted by City Council.
4. City Council direct that all other information contained in Confidential Attachment 1 to remain confidential at the discretion of the City Solicitor, as it contains advice subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On February 24, 2021, Toronto and East York Community Council considered and adopted the recommendations of a Preliminary Report (Item TE23.46) by City Planning regarding the Applicant's Zoning By-law Amendment Application. In the Preliminary Report, Toronto and East York Community Council directed staff to conduct a community consultation meeting regarding the Application. A copy of Toronto and East York Community Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE23.46>

On October 1, 2021, City Council considered and adopted the recommendations of a Request for Directions Report (Item TE27.6) by City Planning regarding the OLT appeal of the Applicant's Zoning By-law Amendment Application. City Council instructed the City Solicitor and City staff to attend the OLT to oppose the Application in its current form. City Council also instructed the City Solicitor to continue discussions with the Applicant in an attempt to resolve the outstanding issues with the Development proposal. A copy of City Council's decision and City Planning's report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE27.6>

COMMENTS

The City Solicitor requires further instructions regarding the OLT appeal. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential information and should be considered by Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Recommendations and Confidential Information
2. Confidential Attachment 2 - Confidential Information
3. Confidential Attachment 3 - Confidential Information